



(Ireland.)

A

B I L L

To amend an Act of the Sixth and Seventh Year of his late Majesty for the Regulation of the Civil Bill Courts in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS by the second section of an Act passed in the sixth and seventh years of the reign of his late Majesty King WILLIAM the Fourth, intituled, "An Act to extend the Jurisdiction and regulate the Proceedings of the Civil Bill Courts in Ireland," a Civil Bill Jurisdiction in certain cases is therein given, where the term in the Lease when originally created did not exceed three lives without any provision for the renewal thereof:

And whereas it is usual in such Leases in Ireland to have therein a term of years concurrent with the said term of lives, and which may endure beyond the said term of lives;

It is therefore Enacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the passing of this Act every such case in which there may be a term of years concurrent with the term of one life or two or three lives, or a term of years to take effect upon the determination of one life, the jurisdiction given by the second section of the said Act shall extend thereto, and any Civil Bill proceeding founded thereon shall be dealt with in every respect as if the said term of years had not been contained in the Lease or instrument whereby the lands are demised or conveyed.

Preamble:

c & 7 WILL
4, c. 75,

Does not apply
to Terms of
Lives concurrent
with
Terms of
Years.

1.
Jurisdiction of
Civil Bill
Courts to extend to Terms
of Years concurrent with
Terms of
Lives.

2.
Omission of
tender of Costs
in sec. 12 of
6 & 7 W. 4.
e

and verbal
error in the
same Clause

amended.

3.
Appeal from
Decree of a
Manor Court
under some
Provisions as
from Civil
Bill Court.

4.
On Appeals,
no Witness to
be examined,
nor Evidence
produced, who
was not heard
or which was
not produced
on the hear-
ing below ;
and no objec-
tion allowed
to any Recog-
nizance or Se-
curity for pro-
secuting an
Appeal, if the
full sum be
lodged with
the Clerk of
the Peace Ten
Days before
Assizes, &c.

5.
Decrees and
Dismissals to
be revived as

AND whereas by the first part of the twelfth section of the said Act it is provided, " that if it shall appear that any sum was due for rent, and that no tender of the sum so due was made before the Civil Bill was brought : " AND whereas the words " together with the reasonable costs of the distress before the bringing of the Civil Bill," have been erroneously omitted after the words " tender of the sum so due : " AND whereas in the subsequent part of the said section, the word " no " hath been erroneously inserted between the word " or " and the word " tender," instead of the word " & ; " for remedy thereof, BE it Enacted, That the said words so omitted as first aforesaid shall be considered as if inserted in the place in which they have been so erroneously omitted, and the word " a " shall be considered as substituted for the word " no," as last aforesaid.

And be it Enacted, That an Appeal may be lodged against the order or determination of any Seneschal of any Manor Court, made in any case tried before him, whether by Civil Bill or otherwise, in like manner and subject to the same regulations and provisions as in cases of decrees or dismisses pronounced by the Assistant Barrister of the county within which such Manor Court shall be situated ; where the same are lodged at the Sessions at which such decree or dismiss may be pronounced, but not otherwise : Provided always, That such Appeal from the order of such Manor Court shall be lodged and perfected on the same court day on which such order shall have been pronounced : Provided also, That in case the party appealing shall not have appeared at the hearing by Attorney, such party shall make affidavit that he verily believes there is probable cause for the reversal of such order, and that the said Appeal is not intended for delay.

And be it Enacted, That in all cases of appeals from the order or determination of the Assistant Barrister or Seneschal of any Manor Court in Ireland, no Witness shall be examined on the hearing of such appeal, or any Evidence produced thereon, who was not examined or which was not produced before such Barrister or Seneschal on the hearing below ; and that no objection shall be allowed to any recognizance or other security for the prosecuting of the appeal, if the full sum in which the recognizance to have been taken shall be lodged with the Clerk of the Peace for the county in which the said appeal is to be called on for hearing, Ten clear Days before the first day of the Assizes at which the same is to be heard, and notice thereof, together with the certificate of the Clerk of the Peace or his deputy, stating the amount and date of such lodgment, shall have been served upon the respondent Six clear Days before the said first day of the Assizes.

And be it Enacted, That Decrees and Dismisses may be renewed and revived to all intents and purposes as judgments in the Superior Courts

Courts by writ of Scire facias, and that the process thereon shall state the right in which the party claims the benefit of any decree or dismissal already made, or the liability of any new party sought to be affected thereby, and shall be subject to all the provisions and regulations applicable to cases provided for by the thirty-third section of the said Act.

by Scire facias in the case of Judgments.

6 & 7 W. 4.
c. 75, s. 23.

And be it Enacted, That the Court shall be at liberty to examine either party, Plaintiff or Defendant, upon oath or affirmation, and to require their attendance for that purpose if it shall seem reasonable.

6.
Court to examine either Party on Oath, and to require their attendance.

10 And be it Enacted, That the Chairman of the county of Dublin, and the Recorder of the city of Dublin, in their Civil Bill jurisdiction, shall be considered as within the provisions of this Act.

7.
Act to apply to Chairman of the County of Dublin and Recorder of the City of Dublin.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

8.
Act may be altered in this Session.

Civil Bill Courts.

(Ireland.)

A

B I L L

To amend an Act of the Sixth and Seventh
Year of his late Majesty for the Regula-
tion of the Civil Bill Courts in Ireland.

(Prepared and brought in by
Mr. Dawson Tennent and Mr. Lister.)

Ordered, by the House of Commons, to be Printed,
23 June 1846.

407.

Under 102.